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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,003	12/16/2005	Christian Eric Sechelmann	2003P00880WOUS	5996
46726	7590	10/28/2008	EXAMINER	
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562		SMITH, NATASHA N		
		ART UNIT		PAPER NUMBER
		4132		
		MAIL DATE		DELIVERY MODE
		10/28/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/561,003	SECHELMANN, CHRISTIAN ERIC	
	<b>Examiner</b>	<b>Art Unit</b>	
	NATASHA SMITH	4132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 12-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>20051216</u> .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Applicant has made reference to specific claim numbers within the specification section of the disclosure, which claims are cancelled. Therefore, the references should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are drawn to a method for controlling a program-controlled water-bearing domestic cleaning appliance comprising a program control device. However, the claims only outline the control limitations of the device without setting forth any steps to perform a method.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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4. Claim 12 refers to a method for controlling a program-controlled water-bearing domestic cleaning appliance , comprising a program control device

[a] which controls at least one of a water supply and outlet device, a heating device, and a drive device;

[b] which controls temperature;

[c] which at least one of controls the following devices and measures such that in a program for cleaning components whose program run consists of a washing program section and a rinsing program section, all components coming into contact with water during proper operation are wetted with at least one of water and cleaning solution in this program section: at least one of the water supply, the discharge, the water level, the driving speed, the duration of the drive control within at least one program section, and the duration of at least one program section; and

[d] which recognizes a switch-on of the domestic cleaning appliance and thereupon issues a prompt for carrying out a program for cleaning the components.

5. Regarding claim 12: The preamble of claim 12 refers to a single program control device with the specific limitations stated in [a] – [d]. However, the limitations of [c] are written as though to include multiple program control devices (i.e., "...which at least one of controls the following devices..."). Applicant should amend the claim language in such a way to clearly reflect the desired number of program control devices to be claimed.

6. The claim also makes reference to "all components coming into contact with water during proper operation [that are] wetted with at least one of water and cleaning

solution." During the normal operation of a domestic washing appliance, the articles to be cleaned are normally wetted with water and/or cleaning solution. It is unclear which "components coming into contact with water" that the applicant is referring to.

7. Regarding claim 12: It is unclear what is/are the method step(s) to be performed. The limitations of the claim are drawn to the features of the control device, and it is unclear what method steps are necessary to control the program-controlled water-bearing domestic appliance of the preamble.

8. Regarding claims 12-20: The method steps, if any, with respect to controlling the cleaning appliance, are not clearly defined. It is not clear what method steps would be needed to control the appliance, as claimed, since there are no limitations in the independent claim pertaining to the method of controlling the cleaning appliance.

9. Claim 19 is drawn to the method according to claim 17 wherein wash and rinse program sections the laundry drum is operated in at least one of alternate directions of rotation and the duration of drive control is greater than 65%.

10. Regarding claim 19: Claim 19 refers to the duration of the drive control being greater than 65%. It is unclear what this ratio represents and how it is obtained mathematically. It is acknowledged that the applicant has expressed this limitation in the disclosure as "the ratio of the control to the program section duration"; however the claim remains indefinite because the values of "control" and "program section duration" are not made clear. It is unclear what initial value the duration of the drive control is compared to, or needs to be greater than 65% of, in order to meet the limitation.

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11. Claims 21 and 22 refer to, in part, "a water-bearing domestic appliance comprising: a program control device... wherein the device includes a means for recognizing a switching on of the domestic cleaning appliance..."

12. Regarding claim 21: Claim element "means for recognizing a switching on of the domestic cleaning appliance" is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. The disclosure does not define how the program control device has recognized that the cleaning appliance has been turned on.

13. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or  
(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

14. If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function

and clearly links or associates the structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP 2181 and 608.01(o).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Remmert (DE 19742282, English translation provided), and further in view of Blair et al. (US 2002/0078511).

17. Claim 21 is drawn to a water-bearing domestic cleaning appliance comprising:  
a program control device which generates control signals for at least one of a water supply and outlet device, a heater and a drive device such that at least one of the water supply, discharge, water level, the temperature, the driving speed and at least one of the duration of the drive control within at least one program section and the duration of at least one program section are variable;

wherein the program control device includes a means for recognizing a switching on of the domestic cleaning appliance and a means for issuing a prompt for carrying out

the program for cleaning the components coming into contact with water during operation;

wherein the program control device:

controls at least one of a water supply and outlet device, a heating device, and a drive device; controls temperature; controls the following devices and measures such that in a program for cleaning components whose program run consists of a washing program section and a rinsing program section, all components coming into contact with water during proper operation are wetted with at least one of water and cleaning solution in this program section: at least one of the water supply, the discharge, the water level, the driving speed, the duration of the drive control within at least one program section, and the duration of at least one program section; and

recognizes a switch-on of the domestic cleaning appliance and thereupon issues a prompt for carrying out a program for cleaning the components.

18. Regarding claim 21: Remmert discloses a program-controlled washer/dryer (English translation, page 2, paragraph 1) comprising a program control device that generates control signals for a water supply, water level, (page 4, paragraph 3), temperature and driving speed (page 4, paragraph 1). Each of these parameters is controlled in at least one of a wash or rinse program of the machine (page 4, paragraph 1). Remmert also teaches that the water supply, water level, driving speed, and temperature are variable within a program section (page 4, paragraphs 1, 3). Further, Remmert discloses controlling the water level, water supply, temperature, driving speed,

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and the duration of the drive control during a program for cleaning components whose program run consists of washing and rinsing sections (page 4, paragraph 3), in which all components coming into contact with water during proper operation of the washer/dryer program section are inherently wetted with at least water.

19. Remmert does not disclose means for recognizing a switching-on of the domestic appliance, nor does he disclose a means for issuing a prompt for carrying out the cleaning program. .

20. Blair discloses a system for operating and programming a laundry appliance comprising a menu system that gives the user options for controlling the desired wash program (see Blair, abstract). Blair also discloses that upon activating the wash machine, a user is presented with a screen of various operating options for the washing appliance (see page 2, [0025]). The options displayed on the menu screen prompts the user to make their desired selection (page 1, [0009]).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include means for recognizing a switching on of the appliance, as taught by Blair in the system of Remmert, so that immediate guidance is offered to the user since when the machine is turned on. It would have been obvious to one of ordinary skill in the art at the time of invention to issue a prompt, such as the menu screen system taught by Blair in the system of Remmert, so that the user is made aware of their options at that time.

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22. Claim 22 refers to the domestic cleaning appliance according to claim 21, wherein the program control device has means for recognizing a first switching on of the domestic cleaning appliance after manufacture of the appliance.

23. Regarding claim 22: Remmert and Blair teach the elements of claim 21 as explained above. Blair discloses a system that, upon activation of the washing machine, the user is presented with various washing instructions for the appliance (page 2, [0025]). This includes the "first switching on" of the appliance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide means for recognizing that the appliance has been turned on, including its initial use.

***Examiner's Comment***

24. An English translation of DE19742282 has been ordered from the translations branch.

25. Claims 12-20 have not been rejected over prior art since the claim scope is non-statutory and incapable of being discerned. Moreover, they may be subject to restriction upon any amendments thereto.

***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATASHA SMITH whose telephone number is (571)270-7382. The examiner can normally be reached on Monday-Thursday; 8AM-5PM.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Lavilla can be reached on (571) 272-1539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NATASHA SMITH/  
Examiner, Art Unit 4132  
21 October 2008

**/Michael La Villa/  
Michael La Villa  
Supervisory Patent Examiner, Art Unit 4132  
27 October 2008**